SIKKIM

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GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK.

No. 7/LD/99 Dated the 8th March, 1999

NOTIFICATION

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 21st day of February 1999 is hereby published for general information :-

THE SIKKIM URBAN AND REGIONAL PLANNING AND DEVELOPMENT ACT, 1998
(ACT No. 7 of 1998)

A N

ACT

to make provision for the promotion of development and regulation of growth of regions and of urban and rural areas in the State of Sikkim and for purposes connected therewith and incidental thereto:

Whereas it is expedient to make provision for the promotion of development and regulation of growth of regions and of urban and rural areas in the State of Sikkim and for purposes connected therewith and incidental thereto.

Be it enacted by the Legislature of Sikim in the Forty-ninth Year of the Republic of India as follows:-

CHAPTER - I
PRELIMINARY

Short title, extent and commencement.

1. (1) This Act may be called the Sikkim Urban and Regional Planning and Development Act, 1998.

(2) It extends to the whole of Sikkim.

(3) It shall come into force on such date as the State Government may, by notification in the Offical Gazette, appoint and different dates may be appointed for different areas.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context, -

(1) ***"agriculture"*** includes horticulture, farming, growing of crops, fruits, vegetables, flowers, grass , fodder and trees or any kind of cultivation of soil, breeding and keeping of livestock including cattle, horses, donkeys, mules, pigs, fish, poultry and bees and use of land which is ancillary to the farming of land or any other agricultural purposes, but shall not include the use of any land attached to a building for the purposes of a garded to be used alongwith such building, and *"agricultural"* shall be construed accordingly;

(2) ***"amenity"*** includes roads and streets, water, gas and electric supply, op spaces, parks, recreational grounds, playgrounds, cultural centres, natural featur street lighting, sewerage, drainage, public facilities and such other utilities, servic and conveniences;

(3) ***"annual plan"*** means a plan conceived within the framework of the devel ment plan of the development area containing the physical and fiscal details of the ne and ongoing projects or schemes to be undertaken in a financial year;

(4) ***"Area of bad layout or obsolete development"*** means an area consisting of land which is badly laid out or of obsolete development together with othe land contiguous or adjacent thereto which is defined by a perpective plan, development plan or an annual plan as an area of bad layout or obsolete development;

(5) ***"Authority"*** means a Development Authority constituted under sub-section (3) of section 21 for a development area under this Act;

(6) ***"Board "*** means the Sikkim Urban and Regional Planning Board constituted under section 3 of this Act;

(7) ***"Building"*** includes any structure or erection or part of a structure or erection which is intended to be used for residential, industrial commercial or other purposes whether in actual use or not;

(8) ***"building operations"*** include:-

(a) erection or re-erection of a building or any part of it;
(b) roofing or re-roofing of a building or any part of a building or an open space;
(c) any material alteration or enlargement of any building;
(d) any such alteration of a building as is likely to affect an alteration of its drainage or sanitary arrangements or materially affect its security; and
(e) the construction of a door or window opening on any street or land not belonging to the owner of the building;

(9) ***"Chief Town Planner"*** means the State Chief Town Planner appointed under section 7 of this Act;

(10) ***"commerce"*** means the carrying on of any trade, business or profession, sale or exchange of goods of any type whatsoever, and includes the running of, with a view to making profit, hospitals or nursing homes, infirmaries, educational institutions and also hotels, restaurants and boarding houses not attached to any educational institution, sarais and ***"commercial"*** shall be construed accordingly;

(11) ***"commercial Use"*** Includes the use of any land or building or part thereof for purposes of commerce for storage of goods, or as an office, whether attached to any industry or otherwise;

(12) ***"court"*** means a principal civil court of original jurisdiction and includes any other civil court empowered by the Government to perform the functions of the court under this Act within the pecuniary and local limits of its jurisdiction;

(13) ***"development"*** with its grammatical variations means the carrying out of building, engineering mining, quarrying or other operations in, on over or under land, the cutting of a hill or any portion thereof or the making of any material change in any building or land, or in the use of any building or land, and includes sub-division of any land;

(14) ***"development area"*** means the area or group of areas declared as develop-ment area under sub-section (1) of section 21 of this Act;

(15) ***"development plan"*** means a development plan prepared for the development area under this Act;

(16) ***"Engineering Operations"*** include the formation or the laying out of means of access to a road or the laying out of means of water supply, sewerage, gas or of electricity cables or lines or of telephone lines and other communication lines and public utility services;

(17) ***"existing land use"*** means the pre-dominant purpose for which any land or building was being used on a specified date;

(18) ***"Government"*** means the State Government of Sikkm;

(19) ***"Industry"*** includes the carrying on of any manufacturing process as defined in the Factories Act, 1948 and "industrial" shall be construed accordingly;

(20) ***"Industrial use"*** includes the use of any land or building or part thereof for purposes of any industry;

(21) ***"land"*** includes benefits arising out of land attached to the earth or permanently fastened to anything attached to the earth;

(22) ***"local authority"*** means a Municipal Corporation or a Municipal Council or a Nagar Panchayat constituted under the Sikkim Municipalities Act, 1995 or a Bazaar Committee or other authority legally entitled to, or entrusted by the Government with the control or management of a municipal or local fund or which is permitted by the Government to exercise the powers of a local authority, and includes Urban Development and Housing Department and a local authority is a ***"Local authority"*** concerned if any land within its local limits falls in the area of a plan prepared or to be prepared under this Act;

(23) ***"local newspaper"*** in relation to any regional planning area or the development area means any newspaper published or circulated within that areas;

(24) ***"means of access"*** includes any means of passage whether private or public, for vehicles or for pedestrians and includes any street;

(25) ***"natural hazard"*** means the probability of occurrence within a specified periods of time in a given area of a potentially damaging natural phenomenon; sudden happening and occurrence of natural calamity like flood, earthquake, etc.;

(26) ***"notification"*** means a notification published in the Official Gazette;

(27) ***"occupier" includes :-***

(a) a tenant;
(b) an owner in occupation of or otherwise using his land or building or part thereof;
(c) a rent free occupant of any land or building or part thereof;
(d) a licensee in occupation of any land or building or part therof;
(e) any person who is liable to pay to the owner damages for the use and occupation of any land or building or part thereof;

(28) ***"operational construction"*** means any construction whether temporary or permanent, which is necessary for the operation, maintenance, development or execution of any of the following services, namely:-

(a) railways;
(b) national highways;
(c) national waterways;
(d) major ports;
(e) airways and aerodromes;
(f) posts and telegraphs, telephones, wireless, broadcasting and other like forms of communication;

(g) regional grid for electricity; and
(h) any other service which the Government may, if it is of opinion that the operation, maintenance, development or execution of such other service is essential to the life of the communtiy, by notification, declare to be a service for the purpose of this clause.

Explanation: For the removal of doubts, it is hereby declared that the construction of:-

(i) new residential buildings (other than gate lodges, quarters for limited essential operational staff and the like) roads and drains in railway colonies, hotels, clubs,institutions and schools in the case of railways; and

(ii) a new building, new structure or new installation or any extension thereof, in the case of any other service, shall not be deemed to be an operational construction within the meaning of this clause.

(29) ***"owner"*** includes a mortagee in possession, a person who for the time being is necessary or is entitled to receive, or has received, the rent premium for any land whether on his own account or an account of, or on behalf of, or for the benefit of any other person or as an agent, trustee, guardian or receiver for any other person or for any religious or charitable institution, or who would so receive the rent or premium or any other consideration or to be entitled to receive the rent or premium if the land were let to a tenant, and includes the Head of a Government Department, General Manager of a Railway, the Secretary or other principal officer of a Local Authority, statutory authority of a company, in respect of properties under their respective control;

(30) ***"perspective plan"*** means a long term (twenty five years) plan providing the goals, policies, strategies and general programmes of spatio-economic development of the State of Sikkim or the development area, as the case may be;

(31) ***"plan"*** means a state perspective plan prepared by the Board under section 4 or a regional development plan of the regional planning area prepared by the Chief Town Planner under section 12 or a perspective plan or a development plan or an annual plan of a development area prepared by the Development Authority under Chapter VI of this Act and includes their review and revision;

(32) ***"prescribed"*** means prescribed by rules made under this Act;

(33) ***"projects and schemes"*** means plans conceived within the framework of approved perspec tive plan, development plan or the annual plan of the development area containing detailed working layouts with all supporting infrastructure and documents including cost of development, source of finance and recovery instruments for their execution;

(34) ***"promoter"*** includes an individual company or association or body of individuals, whether incorporated or not, a co-operative society, a corporate body or an agency- national or international to whom a licence is given under section 76 to undertake development works within the framework of a plan or a development scheme duly approved under this Act;

(35) ***"private street"*** means any street, road, square, court, alley, passage or riding path which is not a public street but does not include a pathway made by the owner

of premises on his own land to secure access to or for the convenient use of such premises;

(36) ***"public place"*** means any place or building which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not, and whether the entry is regulated by any fees or not;

(37) ***"public building"*** means any building to which the public or any class or section of the public are granted access or any building, which is open to the public or any class or section of the public and includes any building-

(a) used as a school or college or a university or other educational institution, hostel, library, hospital, nursing home, dispensary, clinic, maternity centre or any other like institution, club, lodging house, choultry, cofee house, boarding house, or eating house;

(b) ordinarily used by the-

(i) Central or any State Government or any local authority or any body corporate, owned or controlled by the Central or any State Government; or

(ii) public or any class or section of the public for religious worship or for religious congregation;

(38) ***"public open space"*** means any land, whether enclosed or not, belonging to the Central or any State Government or any local authority or any body corporate owned or controlled by the Central or any State Government, on which there is no building or of which not more than one- twentieth part is covered with buildings and the whole or remainder of which is used for purposes of recreation or as open space;

(39) ***"public street"*** means any street, road, square, court, alley, passage or riding path over which the public have a right of way, whether a thorough-fare or not, and includes the roadway over any public bridge or causeway, the footway attached to any such street, public bridge or causeway and the drains attached to any such street, public bridge or causeway and land, whether covered or not by any pavement, varandah or other structure, which lies on either side of the roadway upto the boundaries of the adjacent property whether that property is private property or property belonging to the Central or State Government;

(40) ***"railway"*** means a railway defined in the Indian Railways Act,1890;

(41) ***"re-allocation of population"*** means in relation to an area of bad-layout or obsolete development or a slum area, the making available in that area or elsewhere, of accommodation, for residential purposes or for carrying on business and other activities, together with amenities, to persons living or carrying on business or other activities in the said area who have to be so accommodated so that the said area may be properly planned;

(42) **"regulation"** means a regulation made under this Act by on Authority and includes zoning and also other regulations made as a part of a development plan;

(43) ***"residence"*** includes the use for human habitation of any land or building or part thereof including gardens, grounds, garages, stables and out-houses, if any,

appurtaining to such building and ***"residential"*** shal be construed accordingly;

(44) ***"rule"*** means a rule made under this Act by the State Government;

(45) ***"scheme"*** means a development scheme and includes a plan or plans together with the descriptive matter, if any relating to such scheme;

(46) ***"slum area"*** means any predominantly residential area where the dwellings which by reason of dilapidation, over crowding, faulty arrangements or design, lack of ventilation, light or sanitary facilities or any combination of these factors, are detrimental to safety, health or morals of the inhabitants or others and which is defined by a development plan as slum area;

(47) ***"State"*** means the State of Sikkim;

(48) ***"to erect"*** in relation to any building includes -

(a) any material alteration or enlargement of any building;
(b) the conversion by structural alteration of palce for human habitation of any building not originally constructed for human habitation;
(c) the conversion into more than one place for human habitation of a building originally constructed as one such place;
(d) the conversion of two or more places of human habitation into a greater number of such places,
(e) such alterations of a buildings as affect an alteration of its drainage or sanitary arrangements or materially affect its security;
(f) the additon of any rooms, buildings, houses or other structures to any buildings; and
(g) the construction in a wall adjointing any street or land not belonging to the owner of the wall, of a door opening on to such street or land.

(49) **"unauthorised occupation"** in relation to any premises means the occupation by any person of the premises belonging to the Authoriyt without any authority for such occupation and includes the continuance of this occupation by any person of the premises after the authority (whether by way of grant or any other mode of transfer under which he was allowed to occupy the premises) has expired or has been determined for any reasons whatsoever;

(50) **"urban local body"** means a municipal corporation or a municipal council or a nagar panchayat constituted under the Sikkim Municipalities Act, 1995.

Words and expressions used in this Act but not defined shall have the same meanings respectively assigned to them in the Sikkim Muncipalities Act, 1995; the Sikkim Allotment of House Sites and Construction of Building (Regulation and Control) Act, 1985 and the Sikkim Building Construction Regulation, 1991.

CHAPTER - II

SIKKIM URBAN AND REGIONAL PLANNING BOARD

State Urban and Regional Planning Board.

3. (1) As soon as may be, after the commencement of this Act, the Government shall, by notification in the Official Gazette, constitute and appoint for the purpose of carrying out the functions assigned to it under this Act, the Sikkim Urban and Regional Planning Board.

(2) The Board shall consist of a Chairperson, Vice Chairperson and not more than twenty other members to be appointed by the Government.

(3) The Chairperson of the Board shall be the Chief Minister of the State.

(4) The Vice-Chairperson of the Board shall be the Minister- in-charge of Urabn Development and Housing Department.

(5) The other members shall consist of the following :-

(a) Chairperson of the State Planning Board or the Deputy Chairperson of the State Planning Board in case the Chairperson is the Chief Minister;

(b) Chief Secretary of the State;

(c) Secretaries to the Government not exceeding eight in number in the departments dealing with Urban Development and Housing, Agriculture, Industries, Planning and Development, Education, Finance, Rural Development, Buildings, Public Health Engneering, Mines and Geology, Roads and Bridges and Tourism;

(d) Chairperson, State Finance Commission constituted under Article 243-1 of the Constitution of India read with section 97 of the Sikkim Panchayat Act, 1993;

(e) Secretary, Sikkim Nationalised Transport;

(f) Chairperson, State Pollution Control Board;

(g) Principal Chief Conservator of Forests and Wild Life;

(h) Secretary, Power;

(i) Two members to be nominated by the Central Government to represent the Department/Ministers of that Government dealing with Defence, Public Works and Urban Development;

(j) Two non-officials, who in the opinion of the Government, have special knowledge or practical experience of matters relating to town and country planning, Mines and Geology, engineering, transport, industry, commerce, agriculture or economics;

(k) One member of the Sikkim Legislative Assembly to be nominated by the Government.

(6) The Chief Town Planner shall be the ex-officio Secretary to the Board.

Functions and powers of the Board.

4. (1) Subject to the provisions of this Act and the rules framed thereunder, the functions of the Board shall be to advise the Government in matters relating to policy formulations for planning, development and implementation of State programmes and use of rural and urban land in the State, and to guide, direct, and assist the District Planning Committee constituted under section 184 of the Sikkim Municipalities Act, 1995.

(2) In particular and without prejudice to the generality of the foregoing

provisions, the Board shall, with the advice of the Chief Town Planner of the State, formulate perspective plan within three years from the date of commencement of this Act, for achieving spatio-economic development and social justice. Such a plan shall contain policies and strategies regarding any or all of the following matters as may be considered necessary, namely :-

(a) Physical and natural resource potentials and their utilization and fiscal resource mobilization;
(b) natural disaster prone areas;
(c) poverty alleviation and employment in both formal and informal sectors:
(d) development of trade, commerce, and industries;
(e) agriculture and rural development;
(f) national and state level transportation network;
(g) infrastructure development;
(h) urbanisation trends, urbanisation policy, settlement pattern of large and medium towns and their functional specialization;
(i) protection of environmentally and ecologically sensitive areas and conservation of national and state level heritage areas;
(j) generalised land use;
(k) phasing of the plan in periods of five years coterminus with the State Five Year Plan; and
(l) any other particulars and details as may be prescribed or as may be directed by the Government.

(3) Annual review of the physical achievements of the investments made by the various Authorities and agencies for the last preceding year and submission of a report thereon to the Government.

(4) Advising the Government on resolving inter-district spatial development, resource utilisation and infrastructure development issues.

(5) Resolution of conflicts arising out of overlapping functions between the District Planning Committees and the municipal bodies constituted under the Sikkim Municipalities Act, 1995 and the Development authorities set up under this Act.

(6) Any other matter as may be prescribed or as may be directed by the Government.

Term of office and conditions of service of the Members of the Board.

5. (1) The term of office and conditions of service of the members of the Board shall be such as may be prescribed and the non-official members shall be entitled to receive such allowances as may be fixed by the Government.

(2) The Government may, if it thinks fit, terminate the appointment of any non-official member of the Board at any time.

(3) A member of the Board appointed under clause (j) of sub-section (5) of section 3 may resign his membership of the Board by giving notice in writing to the Government and on such resignation being accepted by the Government, he shall cease to be a member of the Board.

(4) Any vacancy created under sub-section (2) or (3) shall be filled by fresh appointment by the Government.

Meetings of the Board.

6. (1) The Board shall meet at such times and places, not less than twice in a calender year and shall observe such procedure as may be prescribed in regard to the transaction of its business at such meetings.

(2) The Chairperson or in his absence the Vice-Chairperson or in the absence

of both, any member chosen by the members present from amongst themselves shall preside at a meeting of the Board.

State Chief Town Planner and his functions.

7. (1) For the purpose of advising the Government matters related to urban and regional planning and development and also to perform the functions specified in sub-section (2) of section 4, the Government shall appoint a person having educational qualifications as may be prescribed as the Chief Town Planner of the State, hereinafter called the Chief Town Planner.

(2) The Government shall provide the Chief Town Planner such establishement consisting of such officers and staff as may be necessary.

(3) The pay and allowances of the Chief Town Planner and his establishment shall be met out of the consolidated fund of the Government.

(4) The duties and functions of the Chief Town Planner shall-

(a) advise and render technical assistance to the Government pertaining to spatial planning and development and implementation of relevant state programmes;

(b) render technical assistance to the Board in the formulation of State urbanisation policy and State perspective plan;

(c) render technical guidance and assistance to the District Planning Committees constituted under section 184 of the Sikkim Municipalities Act, 1995 in the preparation of draft development plans of the districts in the State;

(d) prepare a Regional Development Plan for the regional planning area and follow the necessary procedure for its approval and revision as laid down in Chapter III of this Act;

(e) scrutinize the various plans submitted to the Government and the Board for approval under this Act;

(f) ensure that the development plans prepared by the authorities are within the framework of the approval perspective plan of the concerned area;

(g) prepare and publish plans, if so directed by the Government in the vent of default by a District Planning Committee or the Authority;

(h) render technical assistance and guidance to the authorities and other development agencies operating in the State;

(i) provide or organise necessary research inputs and other studies either himself or through the help of consultants for formulation of policies, strategies, norms, standards, laws, rules, regulations and guidelines pertaining to urban and regional planning and development;

(j) provide and promote manpower training facilities;

(k) establish an urban and regional planning information system and a network for dissemination of information among various development agencies; and

(l) perform any other function, as may be directed by the Government, from time to time.

Office of the Chief Town Planner to function as technical secretariat for the Board.

8. The office of the Chief Town Planner shall also function as the technical secretariat of the Board and in order to enable him to perform the functions as detailed in sub-section (4) of section 7, the Government shall provide in consultation with the Board, such additional officers and staff to the Chief Town Planner as it may consider necessary.

Approval of State Perspective plan.

9. (1) The State Perspective Plan, after approval by the Board, shall be forwarded to the Government.

(2) On receipt of the State Perspective Plan the Government may publish the salient features of such a plan in atleast two local newspapers circulating in the State of which one must be in the regional language, for information of the public specifying the place or places where a full copy of such may be inspected, invited objections, suggestions, modification, if any.

(3) Any such objections, suggestions, modifications shall be examined and considered by a Committee to be constituted by the Government.

(4) The Government may, approve the perspective plan with or without the modifications proposed by the Committee within a period of 90 (ninety) days from the date of receipt of the State perspective plan by the State Government.

Review and revision of State Perspective Plan

10. (1) At least once in ten years from the date of approval of the State Perspective Plan by the Government under sub-section (4) of section 9, the Board, with the assistance of the Chief Town Planner, shall review such plan and prepare a fresh State Perspective Plan for a period of twenty-five years from the date of review after incorporating such modifications and amendments as may be necessary and submit the same for approval to the Government.

(2) The provisions of sections 4, 7, and 9 shall mutatis mutandis apply to such perspective plan.

CHAPTER - III

REGIONAL DEVELOPMENT PLANS

Declaration of regional planning area.

11. (1) The Government may, after consultation with the Board, by notification in the Official Gazette from time to time, declare any area in the State to be a regional planning area for the purpose of this Act.

(2) Every such notification published under sub-section (1) shall define the limits of the area to which it relates.

(3) The Government may, after consultation with the Board, amalgamate two or more regional planning areas into one such area or sub-divide a regional planning area into different such areas and constitute them as separate regional planning areas or include any such sub-divided areas in any other regional planning area, as the case may be, and notify the same in the Official Gazette.

(4) The Government may, by notification in the Official Gazette, direct that any of the rules and orders made, regulations and directions issued and powers conferred under this Act and in force in any regional planning area with which or in which any other area is amalgamated or included, shall apply to the area so amalgamated or included under this section to such extent and subject to such modifications, additions or restrictions, as may be specified in such notification.

Preparation of regional development plan.

12. (1) As soon as may be, after the declaration of the regional planning area under section 11, the Chief town Planner shall, subject to such directions as may be issued by the Board and within such time as may be prescribed, after carrying out such surveys as may be necessary of the physical, social and economic conditions and potentialities of the area in respect of which a regional development plan is to be prepared, prepare a regional development plan for such area together with a report explaining the various aspects of the developments proposed in such plan.

(2) It shall be the duty of every Government Department and local authority to furnish as soon as may be possible, maps, reports and record as may be required by the Chief Town Planner in the preparation of the regional development plan.

Contents of a regional development plan.

13. (1) Subject to the provisions of this Act and any rules made thereunder, the regional development plan shall indicate the stages by which development may be carried out, the network of transport and communication lines, the proposals for conservation and development of natural resources and such other matters as may have an influence on the development of the concerned area.

(2) In particular and without prejudice to the generality of the foregoing provisions, a regional development plan may provide for all or any of the following matters, namely:-

(a) broad demarcation of areas for agriculture, forestry, industry, mineral development, urban and rural settlements and other activities;
(b) natural disaster prone area;
(c) the reservation of land for recreation, botanical and zoological gardens, natural reserves, animal sanctuaries, dairies and health resorts and for preservation, conservation and development of area of natural scenery, forests, wild life, natural resources and landscaping;
(d) preservation of objects, features, structures or places of historical, natural, archeaeological or scientific interest and eductional value;
(e) prevention of erosion of soil, provision of land stability and slope linked controls, provision for afforestation, or re-afforestation, improvement and re-development of water front areas, rivers and lakes;
(f) transport and communications network such as roads, highways, railways, waterways, canals and airports including their future development;
(g) rural and urban centres, both existing and new, indicating the extent of their anticipated growth;
(h) proposals for irrigation, water supply, hydro-electirc works, flood control and prevention of water pollution and waste management;
(i) re-allocation of population or industry from over-populated and industrially congested area and indication the density of population or the concentration of industry to be allowed in any areas.

(3) The regional development plan shall, in particular include:

(a) the existng land use map and the narrative report thereon;
(b) a narrative report supported by necessary map and charts explanning the provisions of the regional development plan;
(c) recommendations to the Government regarding the directions to be issued to the concerned local authorities and the different departments of the Government, if any, in respect of enforcement and implementation of the proposals contained in the regional development plan; and
(d) a report indicating the priorities assigned to works included in the regional development plan and the planning of the programme of development as such.

Power of Government to require the Chief Town Planner to

14. Notwithstanding anything contained in section 12, the Government may be notification require the Chief Town Planner to prepare and submit to the Board before a fixed date, a regional development plan in respect of any area.

prepare a regional development plan for any area.

Board to consider the regional development plan.

15. The Chief Town Planner shall submit the regional development plan prepared under section 12 to the Board for its consideration and may make such changes in the regional development plan as may be necessary in the light of the views expressed by the Board.

Public notice of the regional development plan.

16. (1) The Chief Town Planner shall notify the regional development plan, as modified under section 15, in the Official Gazette, and also in one or more local newspapers, indicating therein the place or places where copies of the same may be inspected and inviting comments in writing from the public on the regional development plan within such period as may be specified in such notification:

Provided that such period shall not be less than two months from the date on which the regional development plan is published in the Offical Gazette.

(2) After the expiry of the period mentioned in sub-section (1), the Chief Town Planner shall submit the comments received from the public to the Board for its consideration.

(3) The Chief Town Planner shall, if necessary, revise the regional development plan, in the light of any modifications suggested by the Board and submit them to the Government together with the comments received from the public on the regional development plan for approval.

Approval by the Government.

17. (1) The Government shall, within sixty days from the date of receipt, either approve the regional development plan as submitted to it under section 16 or may approve the regional development plan with such modifications as it may consider necessary, or may return the said plan to the Chief Town Planner with instructions either to modify the plan or to prepare a fresh regional development plan in accordance with such directions as the Government may issue in this behalf.

(2) Where a fresh regional development plan is required to be prepared under sub-section (1), the provisions of sections 15 and 16 shall, mutatis mutandis apply to the preparation and approval of such plan.

Publication of the regional development plan.

18. The Chief Town Planner shall notify the regional developmentry plan, as approved by the Government in the Offical Gazette and also in one or more local newspapers, indicating therein the place or places where copies of the same may be inspected.

Effect of the regional development plan.

19. On and from the date of publication of the regional development plan under section 18 for an area, all development programmes undertaken within that area by any Department of the Government or by public and private institutions or by any other person shall conform to the provisions of such regional development plan.

Revision of the regional development plan.

20. If the Government, at any time, after a regional development plan has been published in the Offical Gazette under section 18, but at least once in five years therefrom, is of the opinion that a revision of such regional development plan is necessary, it shal direct the Chief Town Planner to undertake the revision of the regional development plan and thereupon the foregoing provisions of this Act relating to the preparation and approval of the regional deveopment plan shall, as far as may be, apply to the revision of a regional development plan under this section.

CHAPTER - IV
DEVELPOPMENT AREAS AND DEVELOPMENT AUTHORITIES AND THEIR OBJECTS

Declaration of development area and constitution of Development Authority.

21. (1) Upon enforcement of this Act in any area or areas under sub-section (3) of section 1, the Government shall, for the purposes of proper development of such area or areas, by notification, declare such area or areas to be a development area for the purposes of this Act and shall assign a name to such area.

(2) The Government may, by notification and in accordance with such rules as may be made in that behalf -

(a) exclude from a development area any area comprised therein; or

(b) include in a development area any other area.

(3) As soon as may be, after the declaration of a development area under sub-section (1), the Government shall, by notification in the Official Gazette, constitute for the said development area a Development Authority, with effect from such date as may be specified therein.

(4) Every Authority so constituted shall be a body corporate by the name of the development area for which it is consituted having a perpetual succession and a common seal with power to acquire, hold, manage and dispose of property, both movable and immovable, and shall by the said name sue and be sued.

(5) The Authority shall consist of the following members, namely:-

(a) The Chairman, who shall be appointed by the Government;

(b) The Vice-Chairman, who shall be an officer of the Government to be appointed by the Government and shall be the whole-time Chief Executive of the Authority;

(c) an Engineer Member, to be appointed by the Government;

(d) a Finance and Accounts Member to be appointed by the Government;

(e) a Town Planning Member to be appointed by the Government;

(f) an Urban Designer or Architect Member to be appointed by the Government;

(g) Secretary, Urban Development and Housing Department, Government of Sikkim or his representative, member ex-officio; and

(h) Chairman of urban local bodies comprised within the development area, members ex-officio.

(6) The Vice-Chairman shall be a whole-time member and any of the members appointed under clause (c), (d), (e) and (f) of sub-section (5) may either be whole-time or part-time members.

(7) The Chairman, the Vice-Chairman and the whole time members shall be entitled to receive from the funds of the Authority such salaries and allowances, if any, and governed by such conditions of service as may be prescribed by rules made in this behalf.

(8) The Chairman, Vice-Chairman and members appointed under clauses (c) to (f) of sub - section (5) shall hold office during the pleasure of the Government.

(9) Any member specified in clauses (c), (d), (e) and (f) of sub-section (5), if part time, and the members specified in clause (h) of that sub-section may be paid from the funds of the Authority such allowances, if any, as may be fixed by the Government in this behalf.

(10) A member, other than an ex-officio member, may resign his office by writing under his hand addressed to the Government, but shall continue in office until his resignation is accepted by the Government.

(11) No act or proceedings of the Authority shall be invalid by reason of any vacancy in, or defect in the constitution of the Authority.

(12) The Authority shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of its business at its meetings (including quorum at meetings) as may be prescribed.

Power to withdraw a development area from operation of this Act.

22. (1) The Government may, if it is of opinion that it is necessary so to do in the public interest, by notification, withdraw from the operation of the relevant provisions of this Act, the whole or a part of any development area declared thereunder.

(2) When a notification is issued under sub-section (1) in respect of any development area or part thereof-

(a) the relevant provisions of this Act and all rules, regulations, bye-laws, notifications, orders, directions and powers made, issued or conferred thereunder shall, cease to apply to the said area or part and the Authority, if any, constituted, under this Act shall cease to have jurisdiction in respect of the said area or part, as the case may be, but where any Authority has been constituted exclusively for such area or part, such Authority shall, on the date of the notification, stand dissolved;

(b) the Government shall, in consultation with the Board, and the local authority or authorities concerned, frame a Scheme determining the portion of the balance of the fund of the Authority concerned which shall vest in the Government and in the local authority or authorities concerned, and the manner in which the properties and liabilities of the Authority shall be apportioned between the Government and such local authority or authorities, and on the Scheme being notified in the Official Gazette, the fund, property and liabilities of the Authority shall vest and be apportioned accordingly.

Appointment of local authority as development authority.

23. (1) The Government may, in consultation with the Board, appoint any local authority as the development authority for the area of that local authority and for such other contiguous or adjacent area or areas as the Government may declare as a development area under section 21.

(2) Where a local authority is appointed as a development authority under sub-section (1), the provisions of sections 21, 25 and 26 shall not apply, and the provisions of the Act by which such local authority is constituted shall continue to apply to it in respect of matters covered by the aforesaid sections.

(3) A local authority appointed as a development authority under section 23 shall, for the purpose of performing the funtions of a development authority under this Act, constitute a Development Committee consisting of the following, namnely :-

(a) A Chairman;

(b) a Town Planning Officer, who shall be the Member Secretary to the Committee; and

(c) five other members, two of whom shall be appointed by the Government.

Functions and powers of development authority.

24. (1) Subject to the provisions of this Act and the rules framed thereunder and any directions which the Government may give, the functions of every development authority shall be to:-

(a) prepare an exisitng land use map;

(b) prepare and enforce a perspective plan;

(c) prepare and enforce a development plan;